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# Commonwealth of Massachusetts Department of Education

1385 Hancock Street, Quincy, Massachusetts 02169-5183

(“Report of the findings on the complaint regarding the  
Wilmington Public Schools and hazing.”)

January 27, 1993

Dr. Geraldine O'Donnell, Superintendent  
Wilmington Public Schools  
159 Church Street  
Wilmington, MA 01887

Dear Dr. O'Donnell:

As you know, in December the Department of Education received a complaint, # SP920137, regarding noncompliance with state hazing laws, M.G.L. Chapter 269, Sections 17-19. The Department of Education has now concluded its investigation into this complaint.

I do want to express my thanks to Mr. Peter DeRoeve, then Acting Superintendent, for hosting our team visit on January 8, 1993. We appreciated all of the accommodations he provided. As well, I wish to thank everyone who took the time to meet with us.

Attached you will find the report of findings from this visit regarding Complaint # SP920137. As I indicated in my December 18, 1992 letter to Mr. DeRoeve, the findings are limited to the circumstances, procedures, and process involving the hazing incidents that took place at this past summer's football camp. The report does not specify any of the hazing incidents that took place, nor does it comment upon concerns regarding media scrutiny.

The report is divided into the following sections: Background, Findings, and Requirements/Recommendations. The Findings section is divided into three subsections: Areas of Compliance, Noncompliance Issues, and Problem Areas. While those points cited in the Problem Areas subsection are not noncompliance issues, they have been identified as factors that contributed to the hazing incidents or to difficulties in the subsequent process undertaken by the district to address the hazing incidents.

In the Requirements/Recommendations section, the Requirements are the steps the district **must** take to be in compliance with state laws. The Recommendations are offered to the district as steps that could be taken to prevent such incidents from recurring.

Under the Department of Education's Complaint Management Guidelines, both the complainant (Anne Linehan) and respondent (yourself on behalf of the Wilmington Public Schools) have fourteen days from receipt of this report to appeal the findings contained in the report, or by Friday, February 12, 1993. Such

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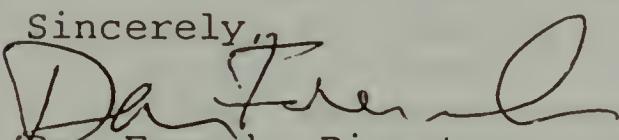


an appeal should be made in writing to Carole Thomson, Executive Director, Division of School Programs, and should include an explanation for the appeal and present evidence that would provide sufficient reason to change the report's findings. If an appeal is submitted by either party, the Department will issue a written and final decision within thirty days of receipt of the request for review.

If the district accepts the report's findings, I am requesting that you file with me a response to the Requirements/Recommendations section, indicating the district's intent to comply with the Requirements section and the district's reaction to each of the points listed within the Recommendations section. This response should be sent to my office by February 26, 1993. If the response is found to be satisfactory, then both parties will be notified that Complaint # SP920137 is officially closed.

Please call me at (617) 770-7589 if you have any questions.

Sincerely,



Dan French, Director

Bureau of Student Development and Health

cc: Bob Blumenthal  
Anne Linehan  
Chief of Police Robert Stewart



MASSACHUSETTS DEPARTMENT OF EDUCATION  
BUREAU OF STUDENT DEVELOPMENT AND HEALTH

REPORT OF FINDINGS ON COMPLAINT # SP920137

I. BACKGROUND

A complaint against the Wilmington Public Schools was filed with the Massachusetts Department of Education on December 4, 1992 by Ms. Anne Linehan alleging noncompliance with the legal requirements under M.G.L. Chapter 269, Sections 17-19, An Act Prohibiting the Practice of Hazing. On January 8, 1993, a Department of Education team conducted onsite interviews at the Wilmington Public Schools. Additional interviews were conducted on other days or by telephone. The following people were interviewed:

- Acting Superintendent
- High School Principal
- Assistant High School Principal
- Athletic Director
- Football Coach
- Five Assistant Football Coaches
- Former Superintendent
- Four School Committee Members
- Seven Football Players
- Police Chief and Sergeant.

Issues that were examined included:

- notification to students of the hazing laws
- compliance with the duty to report acts of hazing
- district disciplinary policies on hazing and whether they were followed, and
- steps that the district is taking to ensure that acts of hazing are not repeated (this included also examining circumstances of the hazing that took place).

The following report of findings is the result of these interviews.



## II. FINDINGS

### A. Areas of Compliance

- 1) The Wilmington High School handbook has contained the hazing laws and disciplinary consequences for hazing since the enactment of Chapter 269, Sections 17-19 in 1987. Up until the current school year, the handbook has been distributed at the beginning of each school year to every student (see B.1). The contents of the handbook are reviewed by the principal and assistant principal at class assemblies. The handbook also has a tear-off sheet to be signed by parents and students and returned indicating that they have read the handbook.
- 2) The high school principal's recommendations for discipline of those students who were identified as either perpetrators or observers of the hazing incidents were consistent with the consequences for hazing stated within the high school handbook.
- 3) Since the hazing incidents have come to the attention of the school committee, the district has come into compliance with all requirements under Chapter 269, Sections 17-19. The high school handbook has been distributed to all students, and it contains the hazing laws (see Attachment A). The hazing law has been distributed to all members of all student teams, organizations, and clubs, and the administration has received written notice from advisors and coaches of this compliance.
- 4) There is no evidence that any staff observed or knew at the time of any acts of hazing at the 1992 football camp, other than one possible incident of hazing which was addressed by staff in camp.

### B. Noncompliance Issues - M.G.L. Chapter 269, Sections 17-19

- 1) The high school handbook was not distributed to every student until the end of October, 1992. Thus, the high school was approximately one week late in complying with hazing notification to all students as per the Commissioner of Education's 9/19/92 memorandum to School Committee Chairpersons and Superintendents regarding M.G.L. Chapter 269, Sections 17-19.
- 2) Prior to the fall of 1992, copies of the hazing laws were not distributed through secondary level student teams, organizations, and groups to each of its members, and the school administration did not receive written acknowledgement of the required distribution from the



designated officer of each team, organization, and group. For student teams, the Code of Ethics was viewed by the Athletic Director and coaches as a legitimate substitute to distribution of the hazing laws (see Attachment B). The Code of Ethics clearly does not meet the requirements of Chapter 269, Sections 17-19.

- 3) With respect to the football team specifically, copies of the hazing laws were not distributed to members prior to or during the football camp. Students interviewed did not have a clear understanding of the hazing laws, including the duty to report acts of hazing, the requirements of notification, and the disciplinary consequences. This lack of information is particularly significant since upperclassmen were placed in charge of each of the student cabins at the football camp. While there is evidence that the Athletic Director and coaching staff advised students generally about proper behavior at the football camp, this does not meet the notification requirements of Chapter 269, Sections 17-19.
- 4) Those students at the football camp who observed hazing taking place did not report the acts of hazing to an appropriate law enforcement official as soon as was reasonably practicable, as required by Chapter 269, Section 18.

**C. Noncompliance Issues - M.G.L. Chapter 119, Section 51A**

- 1) The hazing incidents that took place at the football camp are reportable acts of child abuse under M.G.L. Chapter 119, Section 51A. School staff are mandated reporters under Section 51A. Yet, they did not report these incidents to the Department of Social Services when they first learned of the hazing that took place.

**D. Problem Areas**

- 1) There is evidence to indicate that in recent years prior to 1992, underclassmen at the football camp were subjected to actions by upperclassmen that were on the borderline of the legal definition of hazing. It is unclear whether staff have been aware of these incidents. While not clearly acts of hazing, the acceptance of these behaviors increased the possibilities for more serious harassment to occur that would be considered hazing under the statutory definition.
- 2) Neither the High School Principal nor the Athletic Director reviewed the hazing laws with coaches and assistant coaches, nor required them to distribute the hazing laws to students on teams. As a result, most of the staff directly responsible for the football camp did not have a clear



understanding of the hazing laws, and did not consider the acts that occurred at the camp to be hazing.

- 3) There were several additional supervision problems at the football camp.
  - The physical layout was such that the staff cabin was too far away from the student cabins to provide adequate, continuous supervision.
  - While many of the hazing incidents took place during the day in between practices, some hazing incidents also took place at night when there was no staff supervision.
  - One incident that occurred at the 1992 football camp was brought to staff's attention and was on the borderline of the legal definition of hazing. This incident should have generated concerns about potential further and more serious acts of hazing, and indicated to staff that additional supervision might be warranted.
- 4) The disciplinary consequence in the high school handbook is open to interpretation as to whether it applies to both perpetrators and observers of hazing.
- 5) The principal was not involved in the planning of football camp, as the Athletic Director reports directly to the Superintendent. Similarly, there were two incidents of intimidation between football players after the hazing incidents had become public information. While the perpetrators of each incident were given one-game suspensions from playing on the football team, the high school administration was not involved in dealing with these incidents.
- 6) Not every student who was a perpetrator or observer of hazing at the football camp was recommended for discipline. The rationale for not recommending some students for discipline was cited under Chapter 269, Section 18, that to report would have presented a danger to the observer. The statute requires reporting one's knowledge of a hazing incident "to the extent that such person can do so without danger or peril to himself or others," and "as soon as reasonably practicable." It is unclear whether (a) there was sufficient reason for these students to not have reported the act of hazing after the conclusion of the football camp, and (b) this option was equally explored with all identified observers.



- 7) There were imperfections in the appeals process. When the former superintendent chose to elicit information from the appealing parties, he should have also interviewed the high school principal regarding the principal's report of findings, prior to rendering an appeals decision. This did not occur. Given the serious nature of the hazing that took place, the justification for the former superintendent's appeals decisions is unclear.
- 8) The offer of counseling services for students that was sent to all parents of the football team was inadequate. (A letter was sent home offering counseling through the special education department, with a tear-off sheet to be returned to the Athletic Director.) Some students interviewed were unaware of the opportunity, and said that it would have been helpful to talk to someone. Non-school-site counseling opportunities could have been offered, and agency counselors (without the presence of the coaching staff) could have met with football players to offer the opportunity rather than having students send a tear-off sheet back to the Athletic Director. Particular attention should have been paid to providing off-site counseling intervention to the primary perpetrators of the hazing, as per the high school principal's recommendation, and the victims.
- 9) Once the hazing incidents became public, the School Committee did not fully discuss its role as policy-makers of the district, including the role of the high school to ensure compliance with the law and why the district had not complied with the law. To protect confidentiality, incidents involving individual students could have been discussed in executive session.
- 10) When it approved the football camp, the School Committee was not notified that an eighth grade student would be attending. It is unclear what the educational, social, or athletic benefits would be for an eighth grader to attend a high school football camp.



### III. REQUIREMENTS/RECOMMENDATIONS

#### A. Requirements

In the future, the Wilmington Public Schools should fully comply with M.G.L. Chapter 269, Sections 17-19. This includes the following:

- 1) If compliance with notification to all students about the hazing laws will be accomplished through the student handbook, the handbook should be distributed to every student within the month of September of each school year. If delays in the handbook occur due to revisions, copies of the hazing laws and the district's disciplinary policy should be handed out separately prior to the handbook's completion.
- 2) Copies of the hazing laws should be distributed through coaches and advisors to every participant on every student team, organization, and group at the beginning of each school year (and for seasonal student teams, at the beginning of each season). If any student team, organization, or group is engaged in summer activities prior to the school year, the hazing laws should be passed out at the beginning of these activities. The coach and/or advisor in charge should submit written attested acknowledgement to a designated administrator, preferably the high school principal, that distribution has occurred and all participating students have been informed of the hazing laws and disciplinary consequences, and agree to comply.
- 3) The disciplinary consequences for hazing in the high school handbook should be clarified to indicate that both perpetrators and observers of hazing will be subject to disciplinary consequences. If the district is going to provide disciplinary consequences that are less than the current five days out-of-school suspension and removal from the activity, the district may want to consider including the language "up to...."

#### B. Recommendations

While the Wilmington School Committee has banned future overnight football camps, the Department of Education offers the following additional recommendations to prevent future acts of hazing from occurring.

- 1) Professional development on hazing and the hazing laws should be provided in the spring of 1993 to all staff, with particular emphasis on those staff who are advisors or coaches (including volunteer staff).



- 2) An orientation on the hazing laws and disciplinary consequences should be provided annually to all high school students. This could be part of a larger discussion and presentation on the entire student handbook and issues of safety, positive school climate, and respect for the individual and school community. If this occurs in the spring, a similar orientation should be provided to exiting eighth graders.
- 3) An orientation on the hazing laws should be provided to parents in the spring or fall of 1993.
- 4) The high school principal should be involved in all major decisions regarding high school students, including major activities of all student teams, organizations, and groups. Since the hazing laws refer to institutions of secondary education, the high school principal should be involved in distribution of the hazing laws to every student team, organization, and group.
- 5) When the superintendent receives a disciplinary appeal, she/he should meet with the principal, as part of the appeals hearing process, to review the principal's findings and process prior to making a decision on the appeal. Alternatively, the superintendent could merely review the record without interviewing anyone; however, it is advisable to do so only in cases where it is clear that the record is complete and thorough.



First period attendance will be brought to the assigned student. At the same time, requests for guidance appointments will be left with the guidance secretary.

Absent notes will be collected by first period teachers and sent to the office daily with the first period attendance sheets.

### HAZING

#### CH.269,s.17. CRIME OF HAZING; DEFINITION: PENALTY

"Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars (\$3,000.) or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

"The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding; forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

"Notwithstanding any other provision of this section to the contrary, consent shall not be available as a defense to any prosecution under this action. Added by St.1985, c536; amended by St.1987, c665".

#### CH.269,s18. DUTY TO REPORT HAZING

"Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars (\$1,000.). Added by St.1985, c536; amended by St.1985, c665."

#### CH.269.s.19. HAZING STATUTES TO BE PROVIDED; STATEMENT OF COMPLIANCE AND DISCIPLINE POLICY REQUIRED

"Each institution of secondary education and each public and private institution of post secondary education shall issue



to every student group, student team, or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team, or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this sections requirements that an institution issue copies of this section and section seventeen and eighteen to unaffiliated student groups, teams, or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams, or organizations.

"Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, or applicants for membership. It shall be the duty of each such group, team, or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team, or organization has received a copy of this section and said sections seventeen and eighteen, that each of its, members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

"Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

"Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary schools, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.  
Added by St.1985, c536; amended by St.1987, c665"

Five (5) days of out of school suspension plus removal from the activity in question will be the Wilmington High School administrative response to hazing.



# Attachment B

## CODE OF ETHICS FOR ATHLETES

The student-athletes involved in our programs are expected to demonstrate their seriousness and commitment to the programs in the following manner:

- A. 1. Demonstrate good sportsmanship and mature conduct.
  2. Strive to exemplify and show an appreciation for the following values:
    - a. Dedication
    - b. Self-discipline
    - c. Commitment
    - d. Sacrifice
    - e. Responsibility
  3. Practice care and consideration for all others involved in the sport.
  4. Practice respect and consideration for opponents.
  5. Show respect for yourself, the authority of school personnel, coaches and game officials.
  6. See profanity and obscene language for what they are -- poor vocabularies and/or unhealthy minds.
  7. Develop self-control, self-direction and sound judgment to help deal with adversity.
  8. Promote the game for the players. It is only a game, not the end of the world. Practice humility in victory and encouragement in defeat.
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- B. 1. Violation of the rules and regulations or code of ethics for student-athletes could result in demotion, suspension or expulsion from a team.
  2. Students or parents may appeal a coach's decision to the Athletic Director, within two days of the infraction.



FOR THE STUDENT

Wilmington High School intends for its athletic program to be a source of pride, tradition and enthusiasm. These are the building blocks for school and community spirit. The challenge and the responsibility of developing and nurturing our pride, tradition and enthusiasm rests with you...the athlete. The image you project and the attitude you display have a bearing on all who follow you here at Wilmington High School, as well as your own future.

Therefore...all athletes are expected to abide by all school policies, particularly the following:

1. Code of Ethics
2. Presentable grooming and dress
3. Avoid unhealthy living habits...especially  
the irresponsible use of alcohol and drugs.
4. Observe the regulations made by the coach.



## A FOOTBALL PLAYER

Football is a game of Movement and Striking Ability--this is not a game for everyone--it's a combative, physical game only for a select few--for an uncommon guy with an uncommon commitment--'Hit'--it's a simple game with simple rules--what makes this game so great is that it has every vehicle of life (Man)--sweat, joy, laughter, tear, humility, pressure, intestinal fortitude, responsibility, loyalty, respect, etc.,--always remember, this game is bigger than all of us--there will always be a great player--a great coach--a great team. The real strength lies in what I can do for the game--am I a better guy than when I came in--did I achieve the uncommon ability to sustain not embark on being tired--did I possess the courage to demand and confront my abilities--weak or strong--so I always have a chance to get better. The real measures are hard, but lasting. The real strength of this game is you--so give the game your respect and love--for yourself and your fellow players.

## THE WINNING EDGE

### YOU MUST HAVE

1. Desire for combat
2. Able bodies
3. Mental toughness

### YOU MUST DEVELOP

1. Size
2. Strength
3. Stamina
4. Physical toughness
5. Aggressiveness
6. Quickness
7. Speed
8. Agility
9. Reaction
10. Endurance
11. Dedication
12. Loyalty
13. Pride

### YOU MUST BECOME

1. Hitters
2. Movers
3. Thinkers
4. Competitors

### YOU MUST SHOW

1. Discipline
2. Commitment
3. Motivation
4. Effort

